

which causes subsequent system operation and as a digital data signal as account information)" (emphasis added).

Applicant respectfully submits that the "*status means*" in claim 22 selectively indicates whether both responsive signals and caller number identification signals serve as digital control signals, digital data signals, or both. In Szlam, caller number identification signals for a customer are received at the very outset and serve to display the customer's data to an operator to whom the customer is forwarded. Szlam does not teach storing ANI (that satisfies the recitation of caller number identification signals) for any reason. Accordingly, at best, Szlam only teaches use of ANI as digital control signals.

Moreover, Applicant respectfully submits that, to assert that Szlam's "*voice recognition module 10a32*" in conjunction with its "*trunk interface control 10a13*" and/or "*system controller 11*," satisfies Applicant's recitation of a "*status means*" is a quite a stretch because a voice recognition module simply determines or recognizes an audio signal to determine its content. For example, in column 13, at lines 54, Szlam indicates that the "*voice recognition module 10a32 allows some transactions to be completely handled without operator intervention and without requiring the customers to have a DTMF-type telephone.*" Applicant's claim 22 requires a "*status means*" to selectively indicate responsive signals as audio or digital data signals. Szlam teaches use of a voice recognition module to recognize audio signals and suggests that this capability should eliminate the use of digital data signals entered via DTMF-type telephone. Applicant's system is set up for variously receiving both digital and audio signals where the digital signals serve as data signals or control signals or both, and Applicant's status means (under control of the control means) identifies those signals accordingly depending upon the cue that a select remote terminal is prompted with. Applicant respectfully requests that in Szlam, when an incoming call is received, the trunk interface control unit 10a13 causes the message player 10a9 to begin playing the first prerecorded message, which contains instructions for the customer to speak the appropriate word or words. The module 10a32 decodes the customer's response and provides the response to the system controller 11. Based upon the customer's response, the system controller 11 may cause the message player to play an appropriate next message or take appropriate action. In addition, Szlam teaches storing indiscriminately the particular messages played and the customer's responses.

With respect to claims 24, 40, and 44-46, Applicant respectfully submits that these claims are distinct not only for the reasons urged above, but also because they require isolating a subset of callers based upon digital data received from the callers. The Examiner indicates that Szlam isolates callers with existing accounts. Szlam, in most cases, teaches receiving ANI signals (accordingly, not entered by a caller) to isolate an existing account.

II. Rejection of Claims 23, 26, 29, 31-34, 36-39, 41, and 43 Under Section 103(a)

In paragraph 4 of the office action, the Examiner rejected claims 23, 26, 29, 31-34, 36-39, 41, and 43 under 35 U.S.C. Section 103(a) as unpatentable over Szlam in view of Masson et al. The Examiner acknowledges that Szlam does not disclose reproducing caller audio data. For that deficiency, the Examiner relies on Masson. With respect to claims 32, 36-39, and 43, the Examiner acknowledges that Szlam differs from these claims because it does not provide for testing for the presence of stored audio signals. Again that void, the Examiner believes, is filled by Masson. The Examiner also believes that Masson teaches generating and storing acknowledgement numbers.

Applicant respectfully submits that these claims are also distinct for the reasons urged above. Claim 23 is distinct from Szlam also because it requires addressing data relating to individual callers stored in memory in response to digital control signals from the digital input means of a remote terminal. Szlam discloses using ANI signals automatically provided by the communication facility to bring up data and display it to an operator.

Masson discloses playing the recorded audio data (shipping address) back to the caller who is located at a remote terminal for verification. Applicant's claims require reproducing caller audio data at a remote terminal (likely different from the one from which a particular caller initiates a call). With respect to "*testing for stored audio signals, as taught by Masson, within the ordering system of Szlam, in order to determine whether to prompt for audio signals or not,*" Applicant notes the following. The Examiner has partly relied on Szlam's voice recognition module to satisfy Applicant's "status means," which clearly is useful only for determining audio signals and decoding them into digital signals. Accordingly, the combination of the two references as suggested by the Examiner appears to be inappropriate and contrived. Applicant respectfully urges the same reasons why "*to flag the presence of stored audio signals*" in Szlam appears to be futile.

III. Rejection of Claims 30 and 42 Under Section 103(a)

In paragraph 5, the Examiner rejected claims 30 and 42 under 35 U.S.C. Section 103(a) as unpatentable over Szlam in view of Masson, and further in view of Barger. The Examiner contends that Szlam and Masson differ from the claims in that they do not specify testing for a limit on use. The Examiner relies on Barger to fill that void. Applicant respectfully urges the differences with respect to his "status means" that are detailed above. Accordingly, combination of Szlam and Masson with Barger is distinct from claims 30 and 42 at least for those reasons.

IV. Rejection Under Judicially Created Doctrine of Obviousness-Type Double Patenting

In paragraph 7 of the office action, the Examiner rejected claims 22-46 under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-12, 14, 16, and 18 of U.S. Patent No. 4,845,739 (hereafter the '739 patent). Applicant respectfully submits that none of the claims in Applicant's prior '739 patent recite a "status means" or the functionality associated with it. Accordingly, the claims of the present application do not merely change the wording. Applicant respectfully submits that although the claims of the present application are quite different and patentably distinct from those in the '739 patent, he is submitting a terminal disclaimer because a patent issued from the present application (filed post GATT) will expire 20 years from the filing date of his very first application from which the present application claims priority. The expiration date will fall before the expiration date of the '739 patent.

C O N C L U S I O N

Reconsideration and allowance of this application for the reasons urged above is respectfully requested.

Respectfully submitted,

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